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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,611	03/06/2001	Masanori Ito	10873.641USW	1438

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EXAMINER
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NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/786,611	<b>Applicant(s)</b> ITO ET AL.	
	<b>Examiner</b> HUY T. NGUYEN	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 51-140 is/are pending in the application.
- 4a) Of the above claim(s) 61,64,65,67-70,99,102-108,128-130 and 135-137 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 51-60,62-63,71-77, 89-98,100-101,109 -115 is/are allowed.
- 6) ☒ Claim(s) 66,78-88, 116-127,131-134 and 138-140 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 51-60,62,63,66,71-98,100,101,109-127,131-134 and 138-140 in the reply filed on 14 September 2004 is acknowledged. The traversal is on the ground(s) that the present restriction requirement does not follow the unity of invention standard. This is not found persuasive because all of the original claims filed in national state of a PCT application have been canceled. The new set of claims filed with US application contains different inventions that shown in the restriction requirement

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 61,64-65,67-70,99,102-108,128-130,135-137 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 14 September 2005..

### ***Claim Objections***

3. Claims 51,57,62,71 and 109 are objected to because of the following informalities: Claims 51,57,62,71 and 109 recite a data area to be recorded with the transport stream. However, the claims fail to specify the location of the area. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 127, 131-134 and 138-140 are rejected under 35 U.S.C. 101 because claims 1341-134 and 138-140 directed a recorded disc. Since there is no information, data or signal having functional interrelationship to disc to control the disc to access information, or impart to any software and hardware structural components to providing certain function that is processed by a computer, non function information does not make them statutory. See MPEP 2100.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 66, 127, 131-134 and 138-140 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al (6,112,009).

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Regarding claim 66, Kikuchi teaches a recording apparatus having means for writing logical block on a disk and a management information for writing management information, the management information comprising a start position of the data on a logical block, length of the data and data identification of logical block (Figs. 25-26).

Regarding claims 127, 131-134 ad 138-140, Kikuchi teaches a recoded disc  
8. Claim 66, 127, 131-134 ad 138-140 are rejected under 35 U.S.C. 102(e) as being anticipated by Miwa et al (6,285,825).

Regarding claim 66, Miwa teaches a recording apparatus (Figs. 1,3) having means for writing logical block on a disk and a management information for writing management information, the management information comprising a start position of the data on a logical block, length of the data and data identification of logical block (Fig. 4B, column 27, line 55 to column 28, line 27).

Regarding claims 127, 131-134 ad 138-140. Miwa teaches a recorded disc.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 78-88 and 116-126 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (2005/0111836) in view of Kikuchi et al .

Regarding claims 78-88 and 116-126 , Kato discloses a reproducing apparatus for reproducing a stream from a medium recorded by a recording apparatus or a recoding method , the reproducing apparatus comprises:

means for reading a transport stream from a medium and for reproducing timing transmission (sections 0073-0074, Figs. 3 and 4) ; and

means for sending a transport packet onto a 1394 channel (Fig. 4) .

Kato fails to teaches that the medium is a disc . However, it is noted that using a disc for storing the data is well known in the art as taught by Kikuchi .Therefore it would have been obvious to one of ordinary skill in the art to modify Kato with Kikuchi by using a disc as an alternative to the medium of Kato for the transport stream

***Allowable Subject Matter***

11. Claims 51-60,62,63,71-77,89-98,100,101 and109-115 allowed.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gotoh and Uehara teach recording apparatus for recording and reproducing real time data .

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY T. NGUYEN  
PRIMARY EXAMINER